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A TORY HISTORY OF NEW YORK DURING THE REVOLUTION.*

It has become a generally accepted truth that every history or narrative concerning any matter of variance, strife or controversy between two parties, individuals, communities or nations, has two sides to it. This means that there are two ways of telling a story, two sets of facts to be presented, two methods of dealing with the same facts, two lines and courses of argument, with inferences, colorings of statement, stress of emphasis, relations of the course of individuals, with an ascription of motives and ends to either party, with all the consequent conclusions to be drawn from one or another view or construction of the elements and materials which enter into any complicated and contested issue. The intelligent and the candid have been led to allow that this duplicated rehearsal and summing up of the substantial facts of any case is at least possible, if not reasonable and just, in every matter of the world's history, whether of private or public concern.

It might seem as if there was a single story which stood out fairly and fully as an exception to this general statement—a story which absolutely had only one side to it, viz.—that Cain killed Abel. But ethnologists have told us of an ancient city in the central fastnesses of eastern Asia, in which dwelt a nation called the Ishudes, claiming to be descendants of Cain, and who actually invert the old Bible story, and insist that Abel was the wrong-doer, and Cain the innocent sufferer. Now, if that story has two sides to it, what incident in the whole series of the world's strifes, what controversy, conflict or struggle in the long development of human fortunes in this distracted world shall we exempt from the sweep of the truth above presented as so fully verified?

The voluminous histories, biographies, monographs and addresses on manifold occasions, in Congress and on local celebrations, which find their theme in any of the causes, occasions or actors in our own civil war, have made us familiar with the bewildering range of uncertainty covered by the different selections of facts, the ways of presenting them, or arguing, pleading or drawing inferences and conclusions from them. We need no longer to go back to any matters of the Old World histories to find examples of the perplexities which are made to invest all the substantial elements of a narrative from the different ways of telling a story. More than one generation will find full occupation among us in

trying to digest and assimilate the facts which shall fairly present to an earnest and discriminating reader the real origin, method and true moral significance of our great national war.

Of our earlier conflict, that which made us a nation by securing our independence, it may be said that, as a matter of fact, the telling of the story has been so far almost entirely and exclusively on one side. This statement applies with especial force to the estimate generally made of the characters, motives and conduct of the chief actors, the public men, the patriots, the statesmen and the military officers who led in, controlled and accomplished the great result. The glamour of success has invested them with all the glory of self-sacrifice, wisdom and patriotism. The loftiest virtues have been assigned to them. We credit them with singleness of purpose, sincerity of heart, absolute self-negation, and the complete merging of all private aims, interests and ends in a sublime public cause. Even the British historians and pamphleteers, when writing from their own national point of view of the method, the conduct and the chief actors in the war which separated us from the mother country, though some of them have not been sparing of falsehood, misconception, invective and actual slander, have by no means availed themselves of the materials which they might easily have obtained for telling the other side of the story concerning us.

Among ourselves it has been to a very large extent assumed and allowed that there are incidents, documents, secret passages and critical matters concerning the doings of public bodies and the course or characters of public men, which, for many reasons, it is not wise or desirable to bring under relation or discussion in writing the history of our Revolution. One might almost infer that there had been a concert among our historians to this end. Keen and diligent inquirers into that portion of our annals know much which has never got upon the record or in print, and which by the tolerance of the past has been veiled in an obscurity that in our days of interviewing, of reporting, and of sensational journalizing is inconceivable if not impossible. John Jay said that a true and faithful rehearsal of the parts played, the acts done, the intrigues contrived and the measures approved by the "patriots" in our struggle, to say nothing of the motives which might reasonably be ascribed to some of them, could not be made on the printed page of sober history, and ought not to be made if it were possible. Higher and nobler ends and lessons would by such rehearsal be perilled and sacrificed by discreet table disclosures, though professedly made in the interest of truth. Where the sum and prevalence of aim and purpose were righteous, and the evil was precipitated and neutralized, and when, according to the best construction of Washington's somewhat dubious motto, "*Eventus acta probat*," the result threw back approval upon the measures which secured it—re-

* History of New York during the Revolutionary War, and of the Leading Events in the other Colonies at that Period. By Thomas Jones, Justice of the Supreme Court of the Province. Edited by Edward Floyd DeLancey. With Notes, Contemporary Documents, Maps and Portraits. Two volumes, royal octavo. New York: Printed for the New York Historical Society. 1879.

serve upon all the shadowings of the story was kindly, and wise, and right.

Charles Thompson, the secretary of our Revolutionary Congress through its whole period, the man who for integrity and nobleness of character, rectitude and intelligence of judgment, and opportunities of knowledge possessed by no other individual, was best qualified to write a perfectly faithful and luminous narrative of the debates and doings of that Congress, of the aims and conduct of its members, of the promptings of their several constituents and of the secret springs which were there worked, did in fact write out with care and skill such a full record. And when it was completed, ready for the press, rather by the prompting of his own discreet conviction than by the advice or remonstrance of others, he consigned the manuscript to the flames. His avowed motive for so doing was that its publication would bring pain or reproach upon those of another generation than that with which he had been dealing.

In every instance in which Mr. Bancroft has criticised or castigated any one of the prominent statesmen or military officers of our Revolution, he has, for so doing, been challenged by a grandson, or other representative of the subject that had passed under his dissection.

Common sense, however, would remind us that in such a convulsing and exasperating conflict as that of our Revolutionary War, leaving largely out of view most that transpired on the public arena, there would be an infinite amount and variety of material furnished in private, social and domestic life, for working out the other than the popular and creditable side of the story. The disruption of the order and quietude of affairs; the suspicions, jealousies, rivalries and intrigues which would manifest themselves; the alienation of friends; the rising up of new claimants to notice and honors; the aggravation of smouldering feuds; the sharpening of animosities engendered by religious variances; the perilling of vested rights and privileges, and the inquisitorial espionage brought to bear upon the most private affairs of persons, high or low in position, with the absolute necessity of espousing one side or the other—would offer to one who had a large share in most or all of these matters the means for using a pen with a severe and caustic acrimony.

But, even after this long introduction before we come to deal with the remarkable and piquant volumes now before us, we must make brief reference to the only other single publication which, in its authorship and in the circumstances which prompted its being written, and several similar conditions, will naturally bring it to the minds of readers of this significant work. Thomas Hutchinson, the native-born but stanchly-loyal governor of Massachusetts during the fomenting of the heats and disturbances which preceded our Revolutionary War and the actual outbreak of hostilities, embarked from Boston on his

voyage to England in June, 1774, to report to the king.

On his departure he confidently expected that he should return in his official character, and that the strife would be pacified, the colonies being still held by the mother country. He naturally took with him such public and private papers as he would need for fully acquainting the ministry with the state of affairs here under the troubled administration of his predecessor and his own. Having previously written and published two most admirable volumes of the history of Massachusetts down to the year 1759, besides a volume of original papers of the highest value, he employed himself till his sudden death abroad in 1780, midway in the war, in continuing his work. The result was a manuscript mainly digested from the materials he had carried with him. This manuscript was not put into print until the year 1828, when, by the earnest solicitation of members of the Massachusetts Historical Society, it was published in London, an edition of five hundred copies with a special preface being issued for the English market, and another of the same number for Boston. Of course there are special pleadings and partisan statements in this volume, and a few sharp personalities reflecting upon the characters, the motives and the measures of a few of our popular leaders whom he was bound to regard as the prime agents of mischief, sedition and rebellion in initiating the strife with king and ministry. Nor would it be by any means fair or just to say that the refugee governor in the severest sentences and judgments from his pen about two, or possibly three, persons, and upon some offensive popular movements, was prompted by lack of candor, by selfish ends, or still less by malice. Read with a spirit of candor and with needful allowances for the heats and animosities of the time, the volume is, on the whole, creditable to the writer of it, well tempered, dignified, generally moderate in tone, authentic in its statements and forcible in some of its pleadings.

The volumes now in our hands, while in the points to which we have referred likely to suggest to the reader the posthumous work by Hutchinson, present very many characteristics of difference and contrast. The volumes, containing more than fifteen hundred pages of text and notes, and generously presented in fair type and paper, are issued by the New York Historical Society, at the charge of "the John D. Jones fund," founded by a generous member of the society to secure the publication of a special series of historical materials, aside from the generous scope of its ordinary publications. Some fine engravings and maps enrich the volumes. The editor is of kin to the wife of the author.

The writer of the spicy and most unreserved matter which, after lying in reserve for nearly a century, now appears in print, was the Hon. Thomas Jones, one of the judges of the Supreme Court of the province of New York, as his father, the Hon. David

Jones, had been before him. Having suffered, as we shall see, from the personal and official attitude of disgust and opposition which he assumed in the preparatory and opening stages of the Revolution, towards the prime movers in them, and his health being greatly impaired, leaving behind him friends and a large property, he embarked for England with his wife and niece in 1781, to use the waters at Bath. He, too, thought he should return here to home and possessions under the restored power of the Crown. He died in England in 1792, having, to his amazement and horror, witnessed not only the full triumph of rebellion and independence of the colonies, but also the ungrateful neglect by Great Britain of the ruined Loyalists, who, like himself, had staked their all of worldly good and hopes in faithful constancy to their lawful monarch. He appears to have employed himself with a most sad and embittered spirit in the composition of this history between the years 1783 and 1788—a period which, in its distractions and anxieties, was almost as dark a one for the new republic as had been the years of the war. The manuscript passed into the hands of his widow, then of his niece, and in 1835 to the possession of her brother, the late Bishop de Lancey of western New York. The son of the bishop, thinking that the inflammatory matter in it may now safely be exposed to the air, is the editor who sanctions its publication.

The distinctive character of the contents and tone of these ponderous and well-charged volumes is to be referred chiefly to the personal sentiments and experiences of the writer, deeply embittered as he was by the sense of what he regarded as most grievous outrages and miseries inflicted upon him for not espousing the cause of our independence. It was no part of his purpose to vindicate the course pursued by the British Government towards the colonies, in the measures which led to the war or in the conduct of it. He does, indeed, avow himself a loving and loyal subject of the Crown, warmly attached to the mother country, proud of his allegiance to it, and happy under the institutions established by it in his native province. He was not only a zealous monarchist, but a most devoted member and lover of the Church of England. He opens his relation by describing the condition of the province a few years before the outbreak of hostilities as marking its golden age of peace and prosperity, and, with the exception soon to be indicated, of friendly and harmonious relations between the prominent families and individuals and the people generally, though the population was by no means a homogeneous one, and there were rivalries and discords among the many religious sects, cliques, classes, and political factions of which it was made up. Without any emphatic argument in justification of the course pursued by the British Government which made the first grievances of the colonies, he contents himself with such an approbation as would natural-

ly come from a fondly loyal man, and he would evidently have been content and happy to have lived and died as a subject of the king, believing he would do no wrong, and that any seemingly oppressive acts of administration might have been reconsidered and abandoned under a judicious discussion of them. Beyond this, however, Judge Jones does not go. As to the actual conduct of the Administration, its prevailing councils, its spirit, its ultimate designs and the means taken to accomplish them, he uses as bitter language of protest and disapprobation as can be found in the sharpest invectives of our patriots. Further than this, the judge, sadly unjudicial as he is, allows himself the utmost intemperance of opinion and utterance as to the actual conduct of the war by the military and civil officers of the Crown. In his view, the whole seven years' campaign, in each battle, suspension of hostilities, delay of movements, cross purposes of prime agents, negotiations and attempted pacifications, was a long succession of blunders, provoking and humiliating failures. The generals who in turn held the chief command were all incompetent, imbecile, indolent, luxurious, and incapable of being made to realize their own folly, rashness and inefficiency. The commissary and pay departments were extravagant, wasteful, mercenary and grossly dishonest. More than all, and worse than all, the processes and terms by which Britain was brought to recognize the success of the rebellion and the independence of the colonies were to the last degree shameful and disgraceful. The three astute and cunning commissioners sent by us to Paris outwitted and cajoled the "baker" Oswald, and the "virtuer" Whitehead, the negotiators on the part of Great Britain. The result was a Yankee bargain of the most tricky sort. Britain gave up immense regions of territory here to which the colonies had no claim whatever. She was satisfied with getting a promise that our Congress would make certain "recommendations" to the States, which Congress had not the slightest power to enforce into obligations, and which the States treated with the utmost slight and contempt. Britain also left all the savage tribes which had fought and suffered in her cause against us utterly unprovided for and at our mercy; so that we might claim their native forests by right of conquest from subjects and allies of an enemy. And, to crown all the disastrous humiliations to which Britain submitted in the treaty, she was faithless to the solemn pledge by which, on the first collision with rebellion, she had promised to protect and remunerate all her subjects in the colonies who held firm loyalty to her, and suffered for so doing. In spite of this pledge, she left thousands of such sufferers—among them her own officers in civil life and those who had not borne arms—to hopeless exile from their homes, to confiscation of their property, and to poverty.

It was while having his own experience of this direful lot in England, where, it will be

remembered, that, as a non-combatant, he had gone in search of health, mid-way in the war, that Judge Jones wrote these often burning pages. His thoughts reverted to the noble estate, with its fine manor house, on Fort Neck, Long Island, left to him by his father. His wife was a daughter of James de Lancey, former chief justice and lieutenant governor of the Province of New York, and his social surroundings and affluent circumstances at his home made life there to him very attractive. He was, however, childless. His health had improved while in England, and after the peace, which he conceived so disgraceful a one on the part of Britain, had been settled, he thought his longings of heart would be gratified by his being allowed to return home. An act of attainder confiscating the estates of Loyalists, whether they had left the Province or remained in it, was passed by the New York Assembly in 1779, and this forbade the return of refugees on pain of death. For a brief period Judge Jones flattered himself that, by the provisions of the treaty in relief of Loyalists, this act would be repealed. Bitterly was he disappointed, and that bitterness of his own spirit is thrown into these pages. The only allowance to be made for the acrimony, the asperity, the intensely obnoxious tone, and malignant personalities which make them fairly bristle with passion and contempt, will naturally be yielded by the reader on this score. Crushed, mortified, smarting under a sense of wrong, impoverished, a pensioner on the Crown, and looking across the water only to see the hateful triumph of men and a cause which he loathed and despised, the poor exile might be pardoned, if not for feeling as he did, yet for writing as he felt. One cannot but think, however, that he had very few qualifications needed for the endowment and exercise of an impartial and judicious mind. He was narrow and bigoted in his principles. It does not seem to have been conceivable by him that a man holding Republican principles or any other religious opinions than those of the Church of England could be an honest and good man. Being on the top of the social scale himself, he was wedded to all aristocratic and exclusive prerogatives for the few favored ones over the masses of the world's toilers, and regarded the people as rightfully subservient to the purposes and the prosperity of his own pampered class.

While, therefore, for the reasons that have been intimated, Judge Jones's unique volumes are in no sense a contribution to the defence or justification of the policy pursued by Great Britain in the conflict with her American colonies, they have what will give them a far more offensive character to such Americans of the living generation as may feel aggrieved and outraged by those large portions of their contents which deal so unsparingly with their "patriot" Republican and Presbyterian ancestors. So we have called the work in our hands a Tory history of New York in the Revolution. It is a bold, unsparing, ruthless, some will add a scandalous and

scurrilous, indictment of the leaders of the patriotic cause in New York. In the homes and streets of New York will be found today men and women who may read charges against their immediate progenitors, not merely of the political offences incident to lack of loyalty and to active sympathy with rebellion and revolution, but of various moral delinquencies, mean and disgraceful doings, duplicity, artifice and fraud. There is hardly a contemptuous or vituperative adjective in the "Unabridged" which is not used in these pages attached to the names or the deeds of the prime agents on the patriot side.

For the most part Judge Jones writes as an historian, without the use of the personal pronoun. His references to himself are as if made by another than the writer. But he tells his own story over and over again, sometimes summarily, once with all the documents bearing on his case. Here is an account which he gives of himself, and of the wrongs which he had suffered. After mentioning the resignation of the justiceship by his father in 1773, on account of age and infirmities, he adds—

"The governor of New York, with the advice of his majesty's council, appointed his only son, Thomas Jones, Esq., to the vacant seat. This gentleman was liberally educated [he graduated at Yale], served a regular apprenticeship to one of the most eminent counsel in New York, was called to the bar, and practised in all the courts of record, with honor, a fair character and unblemished reputation. His loyalty is well known, his integrity undoubted, and his religion that of the Church of England. For his steady adherence to the cause of his sovereign, his fixed opposition to rebellion and the measures pursued prior to its actual commencement, he became extremely obnoxious to the rebel powers. In consequence of which he was three times a prisoner [on parole], treated by the rebels with the utmost severity, indignity and contempt [this does not appear from any evidence which he gives of it, when the actual sufferings of others of his party are considered], suffered a captivity [on parole] of nearly a year in Connecticut, was at different times robbed, plundered and pillaged, and at last attainted by the Legislature of New York of high treason, and his estate confiscated to the use of the State." Under the impersonality of his authorship, he often commends himself, his character and conduct, and reports matters as told him "by Thomas Jones, Esq.," that is, himself. He represents himself as the victim "of private revenge, malice and political resentment." A reader will be likely to form but a low estimate of his pluck, manliness or magnanimity. Of course, all the exiled Loyalists were naturally peevish and whining under their hard fate. But they took their own side, and would doubtless have reconciled themselves to the fate which would have awaited the other side if their cause had failed, and which would have included all that the Tories suffered, with a liberal use of

hempen halters beside. With all his law, the judge could not be made to understand how he, a sworn subject of the Crown, could be attainted as a traitor to the State of New York.

He lays out his full force in the use of strong and censorious language when he essays to trace out what he regarded as the cunning plots, the profligate intrigues and the wholly selfish tricks and measures of the leaders of the patriot party. That he discloses some discreditable facts about individuals may well be allowed, considering that his subject-matter is human nature. The things that he seems to have hated beyond all others were republicanism, the assertion of their native-born rights by common people, Presbyterianism, and any form of what he calls "New England religion." He would have agreed with the immaculate Charles II. that Episcopalianism was the only religion for a gentleman. As an exception, hinted at already, to his view of the state of things just before the outbreak as representing the golden age of New York, he begins by referring the initiation of the rebellion to the activity of a factions Republican and Presbyterian party some fifteen years before the Revolution, who resisted the establishment of the full prerogatives of the Church of England over the heterogeneous communities of the Province. All the mischief was traceable "to the lampoons, artful insinuations, cunning, sly, dark designs of William Smith, father and son, William Livingston, John Morin Scott, Robert R. Livingston, Brugh and Philip Livingston, and Thomas Smith." These were the originators of all that "abuse, scandal, infamy, billingsgate and blackguard stuff" which appeared in the publications of the patriots. The leaders on the other side, Judge Pratt, the De Lanceys, etc., were all noble and pure-hearted men, chargeable with no fault but hatred of rebellion and its promoters. "An artful, designing, cunning, hypocritical, Presbyterian rebel," is the character given of a man against whom no act justifying the use of the terms is alleged. If the judge talked on this side of the water as he wrote on the other side of it, it is easy to understand that when he was once out of the country it was not considered desirable that he should return to it. And yet he doubtless knew concerning some actors and deeds what warranted him in an occasional strong expression.

Judge Jones says that before the first Colonial Congress was held, he and others, who, as Loyalists, were the chief sufferers for their opposition to rebellion, recognized the oppressive and unwise course which the British Administration was pursuing towards us. They were ready to take part in any judicious and moderate measures of remonstrance, believing that by constitutional means and by a change of Administration they might secure redress without entertaining any purpose of sundering or weakening the happy bonds which held them to the mother country. To this end the Loyalists helped in or assented

to the sending of delegates to the first Congress. But the spirit which gained the ascendancy in that body, and which grew rampant in its successors, together with the violence, the passion, the outrages and the rule of the mob which inflamed the lower classes of society, soon drove him and his friends to take the stand by which they sacrificed their worldly goods and hopes. His pages are about equally divided between a statement of the wrongs inflicted upon the Loyalists, of which he gives many aggravating personal relations, and the blunders, corruptions, extravagance and gross frauds which humiliated the British military and administrative departments. He does not shrink from pronouncing General Howe as supine, half-hearted in his command, and, in fact, treacherous to his own king. The following is the judge's summing up of the wrecked cause: "Had half the pains been taken to suppress the American Rebellion as there was to drain the British treasury of its cash, any one year of the war would have abolished rebellion and Great Britain been at this day still in full possession of thirteen opulent colonies, of which she has been dismembered by the misconduct and inattention of one general [Howe], by the stupidity of another [Clinton], and by an infamous ministry, who patched up an ignominious peace, to the dishonor of the nation, the discredit of the sovereign, and to the ridicule of all Europe." There is much repetition in the volumes, and a frequent recurrence to and summarizing of complaints and outrages which lay such a heavy burden on the feelings and sense of wrong of the writer. Some very interesting biographies and sketches of character of prominent persons of the time are given, with occasional revelations of newly disclosed facts. The brief chapter on General Washington, though unsympathizing and slightly depreciatory, is, on the whole, creditable to the writer. The straightforwardness and earnestness of the judge, and the evident fulness of his information, make us tolerant of some of the defects of his style and of the one-sidedness of his narrative.

Nearly half of the contents of both these volumes consists of notes and documents furnished by the editor. For his work the very highest respect and encomium will be granted in full measure by every reader. He may stand as a model for all who shall undertake a like laborious office. He shows that he possesses in the highest degree every quality needed to fit him for the task. Years of research and investigation must have gone into his pages. He is dignified, candid and impartial where anything like comment from him on the text which he has illustrated seems to be called for. The official papers which he has hunted out from their repositories are very valuable and luminous as revealing the actual state and coloring of the times and events. Occasionally he qualifies or rectifies remarks or assertions which Judge Jones had made from imperfect knowledge or strength of prejudice. So the volumes, with this

generous body of admirable and authentic documents, will be highly prized by that class of historical students who know that the nearer they can come to primary sources, the more satisfactory will be their means for a fair and full understanding of the subject which engages them. They will also be very grateful to Judge Jones for helping them to

look at the other side of the story of a conflict which, as we trace to it such a sum of blessings in its success for us, must have caused those who lost in the stake trials and woes so grievous that we can well forgive any degree of complaining and censoriousness in the relation of them.

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